

*BL
contd*

pocket.

20. (New) The article of claim 1, wherein at least one said upper segment is connected to said support surface.

*W3
wkt*

21. (New) The article of claim 20, wherein said support surface further includes at least one pocket, at least one said lower segment being removably insertable into at least one said pocket.

REMARKS

Claims 1-18 are pending in this application. Claims 1-9 are rejected; and claims 10-18 are withdrawn from consideration in this application. Claims 1, 2 and 3 are amended hereby; and claims 19-21 are added hereby. Claims 10-18 are canceled hereby.

The specification has been amended to identify the upper segments of the flexible support member with a reference number. The upper segments are shown in the drawing as originally filed, therefore no new matter has been added.

Responsive to the restriction requirement under 35 U.S.C. § 121, requiring the election of one of Group I (claims 1-9, drawn to the article of furniture), Group II (claims 10-16, drawn to the air bladder system) and Group III (claims 17-18, drawn to the method), Applicants affirm the election with traverse of Group I, claims 1-9, as made by Todd T. Taylor on July 16, 2002. Concurrently, claims 10-18 have been canceled.

Responsive to the objection to the drawing, Applicants respectfully traverse this rejection and submit that claim 2, as amended, recites in part: "at least one fluid line is coupled to said air bladders in one of parallel connection of said air bladders and series connection of said air bladders". (Emphasis added.) Claim 2 reciting "one of" the parallel and series connection and the drawing showing "one of" the same is acceptable. Applicants are not allowed to claim "X or

Y" in the alternative, and the language in claim 2 reciting "one of X and Y" is a common and accepted practice to obviate this requirement.

Responsive to the rejection of claims 2 and 3 under 35 U.S.C. § 112, second paragraph, Applicants have amended claims 2 and 3, keeping in mind the comments offered by the Examiner. Responsive to the comment by the Examiner concerning claim 9, Applicants respectfully traverse this comment and submit that claim 9 is not written to include a Markush group and is therefore acceptable. Applicants are not allowed to claim "X or Y" in the alternative, and the language in claim 2 reciting "one of X and Y" is a common and accepted practice to obviate this requirement. Applicants submit that claims 2, 3 and 9 are now in allowable form.

Responsive to the rejection of claims 1-9 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,902,011 (Hand et al.) in view of U.S. Patent No. 5,033,133 (Nissen), Applicants have amended claim 1 and submit that claims 1-9 are now in condition for allowance.

Hand et al. '011 discloses an office chair 210 with an adjustable lumbar support 10 (Figs. 12 and 15). Lumbar support 10 (Figs. 1-6) includes two inflatable bladders 14 interconnected by fluid distribution conduit 16 disposed therebetween and inflation conduit 18 connected to fluid distribution conduit 16 (column 4, line 65 through column 5, line 2). A pumping element (not shown) may be connected by tube or hose 34 to inflation conduit 18 to provide a way to adjustably inflate bladders 14 to the desired pressure (column 5, lines 16-18). A face panel 20 is secured to one side of bladders 14 to provide an interface between the bladders and the user's back (column 5, lines 5-7). Medial portion 30 of face panel 20 has a greater degree of flexibility than outer end portions 32 thereof to enable the face panel to flex at its medial portion to thereby relieve pressure to a user's spine and to conform to the curvature of one's back (column 5, lines

7-11). Form stable outer end portions 32 distribute the pressure exerted by bladders 14 against the user's back, and a generally rectangular rear panel 22 is secured to the other side of bladders 14 to provide a form stable support for the bladders (column 5, lines 11-15). Fig. 11 is an exploded view of lumbar support 10 fashioned for mounting on a cantilevered back support 247 (see FIG. 17) of a chair (column 8, lines 4-6). Back plate 175 is provided for each side of air inflatable bladder or lumbar assembly 10 with each back plate 175 including mounting arm or device 177 that terminates in hook 180 (column 8, lines 6-11). Hooks 180 are shaped such that they must be deflected or opened when slid over the edge of cantilevered back support 247, thus, creating a frictional engagement between the hooks and the surface of back support 247 with the resiliency of hooks 180 sufficient to hold air inflatable bladder or lumbar assembly 10 in a vertical adjusted location on cantilevered back support 247 (column 8, lines 11-19).

Nissen '133 discloses an inflatable seat cushion (Figs. 1 and 3) including a compressible core 13 within an inner cover 14 and an outer cover 16. Core 13 is preferably constructed from an open celled polyurethane foam material (column 3, lines 65-66). Valve 19 allows a person to selectively open and close off tube 15 to atmospheric access to the space within inner cover 14 (column 5, lines 26-29).

In contrast, claim 1, as amended, recites in part:

"An article of furniture, comprising: a support having a support surface including a flexible support member having at least one upper segment and at least one lower segment, at least one of said upper segment and said lower segment connected to said support surface . . ."

(Emphasis added). Applicant submits that such an invention is neither taught, disclosed or suggested by Hand et al. '011 and Nissen '133, or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Hand et al. '011 discloses a support including two inflatable bladders interconnected by a fluid distribution conduit disposed therebetween and an inflation conduit connected to the fluid distribution conduit with a suggestion that a pumping element (not shown) may be connected by a tube or hose to the inflation conduit. Nissen '133 discloses an inflatable seat cushion including a compressible core within an inner cover and an outer cover, with the core preferably constructed from an open celled polyurethane foam material, and a valve allowing a person to selectively open and close off a tube to atmospheric access to the space within the inner cover. However, Hand et al. '011 and Nissen '133, alone or in combination, fails to disclose, teach or suggest a support having a support surface including a flexible support member (30) having at least one upper segment (33) and at least one lower segment (31), at least one of the upper segment (33) and the lower segment (31) connected to the support surface.

The present invention as set forth by amended claim 1 has distinct advantages over Hand et al. '011 and Nissen '133 and the other cited references. An advantage of the present invention is the air bladders have a better support by being held in place on the support surface, at least in part, by a flexible support member. Another advantage is the air bladder system may either be made a permanent or a temporary part of a given article of furniture.

For all of the foregoing reasons, Applicants submit that claim 1, and claims 2-9 depending therefrom, are now in condition for allowance, the allowance of which is hereby respectfully requested.

Additionally, claims 19-21 have been added hereby to further protect the patentable subject matter of the present invention. Specifically, new claim 19, depending from claim 1, recites in part "wherein said support surface further includes at least one pocket, at least one said lower segment being removably insertable into at least one said pocket." Applicants have added

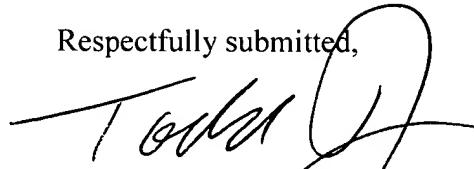
new claim 20, depending from claim 1, which recites in part “wherein at least one said upper segment is connected to said support surface.” Applicants have added new claim 21, depending from claim 20, which recites in part “wherein said support surface further includes at least one pocket, at least one said lower segment being removably insertable into at least one said pocket.” Applicants submit that such an invention is shown in the drawing as filed and described in the specification as filed and is neither taught, disclosed nor suggested by any of the cited references, alone or in combination.

For the foregoing reasons, Applicants submit that the pending claims are definite and do particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Moreover, Applicants submit that no combination of the cited references teaches, discloses or suggests the subject matter of the amended claims. The pending claims are therefore in condition for allowance, and Applicants respectfully request withdrawal of all rejections and allowance of the claims.

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefor and authorizes that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (260) 897-3400.

Respectfully submitted,



Todd T. Taylor
Registration No. 36,945

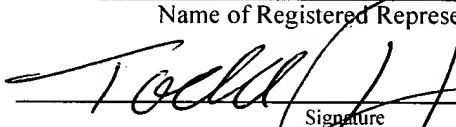
Attorney for Applicant

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on: November 14, 2002.

Todd T. Taylor, Reg. No. 36,945

Name of Registered Representative



Signature

November 14, 2002

Date

TTT7/ar

TAYLOR & AUST, P.C.
142 S. Main Street
P.O. Box 560
Avilla, IN 46710
Telephone: 260-897-3400
Facsimile: 260-897-9300

Enc.: Return postcard

Title: AN ARTICLE OF FURNITURE HAVING A SUPPORT MEMBER WITH AN
ADJUSTABLE CONTOUR
Application Serial No.: 09/848,020 Group: 3636 Examiner: S. Vu

ATTACHMENT A:
MARKED-UP COPY SHOWING AMENDMENTS

IN THE SPECIFICATION

Specification paragraph beginning on page 3, line 19:

Air bladders 14 are held in place on support surface 24, at least in part, by a flexible support member 30. Flexible support member 30, in the present embodiment, is mounted to support surface 24 permanently, as by welds 32 at upper segments 33 or some other type of metallurgical or adhesive joints. At least one lower segment 31 of flexible support member 30 is removably inserted via a slip fit into one of at least one pocket 25, to help hold air bladders 14 in place yet allow easy access thereto. Further, air bladders 14 and flexible support member 30, when mounted on seat back 22, together are configured for providing lumbar support.

IN THE CLAIMS

Please amend claims 1, 2 and 3 as follows:

1. (Amended) An article of furniture, comprising:
a support having a support surface including a flexible support member having at least one upper segment and at least one lower segment, at least one of said upper segment and said lower segment connected to said support surface;
a plurality of air bladders mounted relative to said support surface, each said air bladder having expandable foam therein;
at least one fluid line fluidly coupling said air bladders together; and
a single valve fluidly coupled with said at least one fluid line.
2. (Amended) The article of claim 1, wherein said at least one fluid line is coupled to said

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ADJUSTABLE CONTOUR

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air bladders in one of parallel connection of said air bladders and series connection of said air
bladders.

3. (Amended) The article of claim 2, wherein said at least one fluid line is coupled to said
air bladders in parallel connection of said air bladders.

Please add new claims 19, 20 and 21 as follows:

19. (New) The article of claim 1, wherein said support surface further includes at least
one pocket, at least one said lower segment being removably insertable into at least one said
pocket.

20. (New) The article of claim 1, wherein at least one said upper segment is connected to
said support surface.

21. (New) The article of claim 20, wherein said support surface further includes at least
one pocket, at least one said lower segment being removably insertable into at least one said
pocket.